

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**ARROW COMMUNICATION LABORATORIES, INC.,  
and TRESNESS IRREVOCABLE PATENT TRUST,**

**Plaintiffs and Counterclaim  
Defendants,**

**v.**

**5:05-CV-1456 (Lead Case)  
5:05-CV-703 (Member Case)**

**z JOHN MEZZALINGUA ASSOCIATES, INC.,**

**Defendant and Counterclaim  
Plaintiff.**

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APPEARANCES:

**y** **RADER FISHMAN & GRAUER PLLC**  
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and  
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**W** **WALL, MARJAMA & BILINSKI LLP**  
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**Hon. Norman A. Mordue, Chief U.S. District Judge**

**MEMORANDUM-DECISION AND ORDER**

Plaintiffs Arrow Communication Laboratories, Inc. and Tresness Irrevocable Patent Trust  
(collectively, "Arcom") appeal (Dkt. No. 182) from a Decision and Order (Dkt. No. 180) by

United States Magistrate Judge David E. Peebles, insofar as Magistrate Judge Peebles denied Arcom's motion to enforce a subpoena issued to third party Eagle Comtronics, Inc. ("Eagle") (Dkt. No. 158) and granted Eagle's cross-motion for a Protective Order (Dkt. No. 169).

The Court has reviewed the record, including the minutes of the May 16, 2007 motion hearing; Arcom's submissions relative to its need for the information and its proposals for preserving confidentiality; and Eagle's proof (in particular the affidavits from Eagle representatives John Stoddard, Timothy Devendorf, and William Devendorf) that the information sought is highly confidential and that its disclosure would cause substantial harm to Eagle. It is clear that Magistrate Judge Peebles carefully balanced the interests of Arcom and Eagle, and that his ruling is not clearly erroneous or contrary to law, nor does it reflect an abuse of discretion.

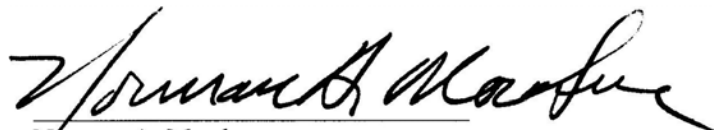
It is therefore

ORDERED that the May 22, 2007 Decision and Order of United States Magistrate Judge David E. Peebles (Dkt. No. 180) is affirmed; and it is further

ORDERED that the appeal therefrom (Dkt. No. 182) is denied.

IT IS SO ORDERED.

July 23, 2007  
Syracuse, New York



Norman A. Mordue  
Chief United States District Court Judge